

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Charles David Costello,	)	C/A No.: 1:17-2430-SVH
	)	
	)	
vs.	)	
	)	ORDER
Nancy A. Berryhill, Deputy	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	
	)	

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This matter is before the court on Plaintiff's counsel's motion for fees. [ECF No. 17]. On July 6, 2018, the court reversed the Commissioner's decision that had denied Plaintiff's claim for social security disability benefits and remanded the case for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). [ECF No. 15]. Plaintiff then properly filed and documented a request for fees, costs, and expenses pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 ("the EAJA"), totaling \$3067.27, plus reimbursement of the \$400 filing fee. The Commissioner filed a response indicating its consent to an award of \$3067.27, plus reimbursement of the \$400 filing fee. [ECF No. 18]. Accordingly, the court grants the motion and directs the Commissioner to pay Plaintiff \$3067.27, plus reimbursement of the \$400 filing fee. Such payment shall constitute a complete release from and bar to any and all further claims that Plaintiff may have under the EAJA to fees, costs, and expenses incurred in connection with disputing the Commissioner's decision. This award is without prejudice to the rights of Plaintiff's

counsel to seek attorney fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), subject to the offset provisions of the EAJA.

Under *Astrue v. Ratliff*, 130 S. Ct. 2521, 2528–29 (2010), EAJA fees awarded by this court belong to Plaintiff and are subject to offset under the Treasury Offset Program (31 U.S.C. § 3716(c)(3)(B) (2006)). Therefore, the court orders the EAJA fees to be paid to Plaintiff.

IT IS SO ORDERED.



July 11, 2018  
Columbia, South Carolina

Shiva V. Hodges  
United States Magistrate Judge